GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Department- Allegations of irregularities in execution of road work from Nellore – Podalakuru road to Griddalur (V), Sydapuram (M), Nellore District – Charges framed against Sri S.Shabuddin, AEE (Retd.), PIU, Venkatagiri – Not proved in the inquiry report of Superintending Engineer, PR, Nellore & IA, dt.31.01.2022 – Disagreed with the findings of IA and disagreement factors communicated - Representation of CO received - Show cause notice issued - Finalization of disciplinary proceedings by imposing a penalty of withholding 8% of pension for a period of two (2) years under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT

G.O.RT.No. 129 **Dated: 05-03-2025**

Read the following:

1. Vigilance Report No.15 (C.No.513/V&E/Engg./2017), dt 25.11.2020 of the DG, V&E.
2. G.O.Ms.No.15, PR&RD (Vig.II) Dept., dt.22.03.2021.
3. G.O.Rt.No.151, PR&RD (Vig.II) Dept. dt.22.03.2021.
4. Sri S.Shabuddin, AEE (PR) (Retd.) WSD, dt.09.04.2021.
5. G.O.Rt.No.490, PR&RD (Vig.II) Dept., dt.15.09.2021.
6. Letter No.Vig.III/274/2021, dt.17.02.2022 of ENC, PR, along with inquiry report of SE, PR, Nellore & IA, dt.31.01.2022.
7. Govt.Memo No.1318162/Vig.II/2021-3, dt.05.06.2023.
8. Letter No.Vig.III/V&E/274/2021,dt.16.08.2023 of ENC, PR, along with representation, dt.15.07.2023 of Sri S.Shabuddain, AEE (Retd.), PIU, Venkatagiri of SPSR Nellore District.
9. Govt.Memo No.1318162/Vig.II/2021-4, dt.22.11.2024.
10. Letter No.Vig.III/V&E/274/2021, dt.05.02.2025 of ENC, PR, along with representation dt.10.01.2025 of Sri S.Shabuddain, AEE (Retd.), PIU, Venkatagiri of SPSR Nellore District.

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Based on the recommendations of the Director General, Vigilance & Enforcement in Vigilance Report 1st read above on the allegation of irregularities in execution of work "Road work form Nellore – Podalakuru road to Griddalur (V), Sydapuram (M), SPSR Nellore District", Government, vide reference 2nd read above have accorded sanction under sub-clause (1) of clause (b) of sub-rule (2) of Rule 9 of A.P. Revised Pension Rules,1980 to initiate departmental proceedings against Sri S.Shabuddin, Assistant Executive Engineer, PIU, Venkatagiri (now retired) among two (2) others.

2. Accordingly, in the reference 3rd read above, Government framed following article of charge against Sri S. Shabuddin, Assistant Executive Engineer (Retired) under Rule 20 of APCS (CC&A) Rules, 1991 with a direction to submit his written statement of defense:-

Charge: *That Sri S. Shabuddin, the then Assistant Executive Engineer, PIU, Venkatagiri and now retired has committed irregularities in execution of "Road work from Nellore – Podalakuru road to Griddalur (V), Sydapuram (M), Nellore District" under NABARD RIDF tranche XXI and (i) executed and recorded the measurements of inferior quality of BT work i.e., SDBC in 2nd and 4th Km and (ii) executed and recorded measurements of CC pavement work with deficiency in grade of concrete.*

(P.T.O)

3. In the reference 4th read above, the charged officer has submitted his written statement of defense and the same has been examined and found not satisfactory and decided to conduct regular inquiry into the matter. Accordingly, in the reference 5th read above, Government appointed the Superintending Engineer, PR Circle, SPSR Nellore, as Inquiring Authority under Rule 20(2) of A.P.C.S (CC&A) Rules, 1991 to conduct inquiry into the charges framed against the charged officer, Sri S.Shabuddin, Assistant Executive Engineer (Retired) and two (2) other co-charged officers involved in the case.

4. In the reference 6th read above, the Engineer-in-Chief, Panchayat Raj has furnished inquiry report of the Superintending Engineer, Panchayat Raj, Nellore & Inquiry Authority, dt.31.01.2022 to the Government for taking necessary action, wherein, the Inquiring Authority has held that charge framed against Sri S. Shabuddin, Assistant Executive Engineer (Retired) and 2 others as not held proved.

5. In the reference 7th read above, Government have furnished copy of inquiry report, dt.31.01.2022 together with following disagreement factors as per Rule 21(2) of APCS (CC&A) Rules, 1991 duly disagreeing with the findings of Inquiring Authority and treating the same as "held proved" to the charged officer, Sri S. Shabuddin, the then Assistant Executive Engineer, PIU, Venkatagiri now retired with a direction to submit his representation if any, within (10) days for taking further action in the matter.

> "that the Inquiring Authority, *while arriving at his findings, should discuss and assess the evidence on record and give reasons for his findings and findings should be based on the evidence adduced during the inquiry and brought on record. He should not take any extraneous material, not forming part of the proceedings into consideration. In this case, it is observed that the I.A. has not taken the findings of V&E into cognizance and ordered for re-verification of work and made conducted tests with V&QC staff beyond his competency and considering the latest test results, satisfied and held the charges as not proved against all the COs. Therefore, the findings of I.A. that the charges framed against the COs are not acceptable" and Government treat the same as held proved".*

6. In the reference 8th read above, the Engineer-in-Chief, Panchayat Raj among others has furnished the representation, dt.15.07.2023 of Sri S. Shabuddin, the then Assistant Executive Engineer, PIU, Venkatagiri, SPSR Nellore District, now retired, wherein, the charged officer has stated that the inquiry officer has given inquiry report based on the field re-inspection by the Executive Engineer, Panchayat Raj, Quality Control, Nellore and presently the road condition is good. He was retired from service and facing mental agony. He has requested to consider the inquiry report and exonerate him from the charge leveled against him.

7. The Government have examined the matter and observed that the representation of the charged officer, Sri S.Shabuddin, Assistant Executive Engineer, PR, PIU, Venkatagiri, Nellore is not found convincing for the disagreement factors communicated to him. The Vigilance & Enforcement Department have verified the work in question and found deficiencies in quality of the work and recommended for recovery from the Agency, which voluminously speaks that Sri S.Shabuddin, Assistant Executive Engineer

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(Retd.), PIU, Venkatagiri has carried out the substandard execution of the work in question. Therefore, the findings of IA in conducting re-verification of work and based on which the contention of the charged officer to exonerate him from the charge is not tenable.

8. Accordingly, Government after careful examination of the matter, have taken a provisional decision to withhold 8% of pension for a period of two (2) years under Rule 9 of A.P. Revised Pension Rules, 1980 against Sri S. Shabuddin, Assistant Executive Engineer (Retd.), PIU, Venkatagiri, SPSR Nellore District. Accordingly, in the reference 9th read above, a show-cause notice was communicated to Sri S.Shabuddin, Assistant Executive Engineer (Retd.), PIU, Venkatagiri, Nellore District for his representation if any, on the above provisional decision of the Government.

9. In the reference 10th read above, the Engineer-in-Chief, Panchayat Raj has forwarded the representation, dated.10.01.2025 of Sri S. Shabuddin, Assistant Executive Engineer (Retd.), PIU, Venkatagiri, SPSR Nellore District, wherein, the CO has not put forth any new grounds and reiterated the earlier stand in his representation.

10. After careful examination the matter, Government hereby impose a penalty of withholding of (eight) 8% of pension for a period of two (2) years against the charged officer, Sri S. Shabuddin, Assistant Executive Engineer (Retd.), PIU, Venkatagiri, Nellore District under Rule 9 of A.P. Revised Pension Rules, 1980 in the matter.

11. The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada, is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri S.Shabuddin, the then Assistant Executive Engineer (Retd.), PIU, Venkatagiri, SPSR Nellore District.
Through the Engineer-in-Chief, Panchayat Raj, AP, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada
(with a request to serve the same on the CO and furnish the acknowledgement copy to the Government)

Copy to:
The Secretary to VC, A.P. Vigilance Commission, Velagapudi
The Director General, Vigilance & Enforcement Department, A.P., Vijayawada.
The Panchayat Raj & Rural Development (Estt.I) Department.
The OSD to the Hon'ble Dy.CM for PR,RD, RWS&S and EFS&T.
PS to Principal Secretary to Government PR&RD Department.
SF/SC

// FORWARDED::BY ORDER//

SECTION OFFICER